

**CITY COUNCIL MEETING
TUESDAY, JANUARY 20, 2009
CITY HALL
22710 E. COUNTRY VISTA DRIVE
7:00 P.M.**

INVOCATION

Given by Mayor Wendy Van Orman

PLEDGE OF ALLEGIANCE

Led by Mayor Van Orman, City Council, and Staff

CALL TO ORDER

Mayor Van Orman called the meeting to order at 7:04 p.m.

ROLL CALL

Council Member Jenkins
Mayor Pro Tem Sayrs (absent)
Council Members Owens
Council Member Crump
Council Member Schuler (absent)
Council Member Olander
Council Member Langford

Doug Smith, Director of Comm Devl
Ann Swenson, Executive Assistant
Brian Asmus, Chief of Police
Sean Boutz, City Attorney

Councilman Langford moved to excuse Council Member Schuler and Mayor Pro Tem Sayrs, seconded by Council Member Crump. Motion passed unanimously.

AGENDA APPROVAL

Council Member Crump moved to approve the Agenda. Council Member Jenkins asked to call an Executive Session regarding 171-A to discuss staffing. He requested the Executive Session be placed on the Agenda after Unfinished Business. Council Member Langford seconded the motion, which passed unanimously.

APPROVAL OF CITY COUNCIL MINUTES

Council Member Crump moved to approve City Council Meeting Minutes for December 16, 2008 and January 6, 2009, seconded by Council Member Owens. Motion carried 4-1; Council Member Olander abstained.

CITIZEN COMMENTS

Walt Edelen, Spokane County Conservation District, 210 N. Havana Street, Spokane, WA, provided information about the Conservation District and some of its activities. He handed out brochures outlining the services and activities provided by the District. He briefly spoke about their services and issues pertinent to Liberty Lake.

ACTION ITEMS

Council Member Crump moved to accept the Consent Agenda, which included vouchers totaling \$417,762.03, seconded by Council Member Owens. Motion passed unanimously.

Check number sequences were: 10640 through 10701

Council Member Crump moved to accept the Agreement for Services for Wiley E. Waters, LLC, Kyle Brock, Owner.

Troy Mullenix, Recreation Coordinator, gave a brief outline of the two agreements brought before the City Council; one for Wiley E. Waters, LLC and one for Challenger Sports. Mr. Mullenix said both services were provided last year. Discussion then took place regarding liability, cost to the City, and proof of insurance. City Attorney, Sean Boutz, said he has reviewed the Agreements and is comfortable with the them.

Council Member Olander thanked the City staff for the Agreements and commented on the standardization of the Agreements. He noted the improvement in the Agreements from past years, and acknowledged this as an example of the City maturing.

Council Member Owens then proposed a friendly amendment to include that the amount of \$1 million dollars for liability insurance be defined in the contract. Council Member Crump accepted the friendly amendment. Mayor Van Orman called for the vote and motion passed unanimously.

Council Member Crump moved to accept the Agreement for Challenger Sports, seconded by Council Member Owens. Council Member Langford made an additional motion to include the same friendly amendment made by Councilwoman Owens as above to include the \$1 million dollar liability insurance amount in the contract. Council Member Crump accepted the friendly amendment. Mayor Van Orman called for the vote and motion passed unanimously.

Jessica Platt, Administrative Services Manager, then approached the Council to discuss recruitment of newspaper services. Requests were sent to the *Valley News Herald*, the *Spokesman Review*, and the *Liberty Lake Splash* on December 24, 2008, with subsequent follow-up for each. Ms. Platt indicated that the *Liberty Lake Splash* was the only respondent and their price has not changed from last year's.

Council Member Crump moved to accept the *Liberty Lake Splash* as the official newspaper for the City of Liberty Lake. Seconded by Council Member Langford. Motion passed unanimously.

Discussion regarding the draft 2009 City Council Standing Committee Assignments then took place. The committee assignments were amended to move Mayor Pro Tem Sayrs to the Public Safety Committee and Council Member Jenkins to the Finance Committee. Mayor Van Orman asked if the Council would like to pass the committee assignments as proposed or to wait for Mayor Pro Tem's input. Council Member Owens then moved to accept the 2009 City Council Standing Committee Assignments as amended, seconded by Councilman Jenkins. After a brief further discussion and review of the proposed assignments, it was decided that in addition to the above proposal, Councilman Langford would be replaced by Mayor Pro Tem Sayrs as an alternate on the Community Development Committee. Mayor Van Orman then called for the vote, which passed unanimously.

MAYOR & COUNCIL REPORT:

At this point in the meeting, Councilman Crump noted there was no line item on the Agenda for Mayor and Council Reports and asked to give a brief report. Mayor Van Orman amended the Agenda to include Item d under number 8, and Councilmember Crump gave a Finance Committee report. He said vouchers were reviewed and discussions were held about capital account vs. BARS, service charges, city resources usage for parks, and cross training of staff. He said the Finance Committee will be bringing a fourth-quarter retail sales tax report to the City Council in February, which will provide a better picture of the economic downturn as well as streamline sales tax.

Councilman Olander said the Community Development Committee met and focused on the Amendments that will be considered during Public Hearing this evening.

Mayor Van Orman reminded the City Council Members that the Council of Governments meeting is scheduled this Friday. She reported that she attended the Liberty Lake Advisory Group meeting this morning at SprayCool. Commissioner Mark Richard, who also attended the meeting, spoke about the need for a regional sewer district and a new jail facility, and SprayCool's CEO, Matt Gerber, spoke about their technology and what it does for most of the military. The Mayor reported that Governor Gregoire has included grant funding in the amount of \$503,500 for Phase II of Rocky Hill Park in her budget proposal and if approved by the legislators, this will be Liberty Lake's second City park. She also said she had another opportunity to walk through the new Public Safety/Library building and said, "You have to go see it. It is amazing." She said occupancy should be completed by the end of February and an Open House will be held in either April or May. She reported that she, Councilwoman Owens, and Director, Doug Smith, will be traveling to Olympia next week to discuss legislative issues.

Council Member Owens said she will be in Washington, D.C. this week and offered to take materials with her if there are any requests to do so. She said she will be in Olympia quite frequently during the legislative session in her new role as the President of Public School Employees of Washington as well, and is willing to take information to Olympia.

PUBLIC HEARING

Prior to the public hearing for the City of Liberty Lake Comprehensive Plan Proposed 2008 Amendments, Amanda Tainio, Planning & Building Services Manager, provided a brief overview of the Planning Commission Findings and Recommendations and gave a staff summary of the Growth Management Act. She said the public has been provided with the opportunity for early and continuous public participation, that all public notification requirements have been met and accomplished in a timely manner, that the public was given adequate opportunity to testify for or against the proposed Amendments and the comments received throughout the review process were taken into consideration. She said the two amendments for consideration tonight are CA-08-0001 and CA-08-0002 concerning the parks facilities.

Mayor Van Orman opened the public hearing at 7:40 p.m.

Mike Terrell, Greenstone Corporation, 1421 N. Meadowwood Lane, Liberty Lake, commented on CA-08-0001. He said he is concerned with the policy approach the City is taking with introduction of this Comprehensive Plan Amendment by incorporating very specific things that should be more appropriately incorporated in the Parks and Recreation Plan. He stated, "It is more specific than is necessary for a Comprehensive Plan, but it is already covered in broader generalities under Policy 1.1". He encouraged the City Council to deny this Amendment and look very carefully at the second amendment and to incorporate those types of additions to the second amendment contained in CA-08-0002.

Cindy Esch, Liberty Lake Community Park Planning Committee Member, 1817 N. Aladdin Road, Liberty Lake, reminded the Council that her Committee sponsored extensive education, conducted a survey, and received involvement by the citizens of Liberty Lake regarding this amendment to the Comprehensive Plan. She strongly indicated that citizens support walkable parks, as opposed to the amendment initiated by the Planning Commission and encouraged the City Council to support the amendment that citizens supported in the survey.

Councilmember Olander then gave an updated presentation on the first amendment of the Comprehensive Plan. Topics of his presentation included additional input gathered from the community; the goal of the amendment; recreation in Liberty Lake; concerns about the amendment; land acquisition to support Park Plan requirements; and trends toward exclusivity. He said now that the top priorities have been addressed for the City, such as City Hall, the library and the police station, it is time to focus on recreation for the City. He said the decisions made by the City Council this year will affect what the City has 20-40 years in the future.

Mayor Van Orman then opened the floor again to receive public testimony for CA-08-0001 and CA-08-0002.

Mike Terrell, 1421 N. Meadowwood Lane, Liberty Lake, encouraged the City Council to very carefully do some analysis from what it might rate from the capital facilities plan and parks and recreation plan into the Comprehensive Plan, because it limits future

opportunities as to how priorities are evaluated. He again urged the Council to vote to deny the amendment.

Cindy Esch, 1817 N. Aladdin Road, Liberty Lake, agreed with Mr. Terrell, saying the Liberty Lake Community Park Planning Committee would support the amendments being discussed under the Park Plan, not being voted on in the Comprehensive Plan.

Mayor Van Orman then invited representation from the Planning Commission to provide clarification for the Council why it chose recommendation to deny the amendments. Planning Commission Chairman, Dennis Paul, approached the Council, and said the Planning Commission does not feel comfortable endorsing this because the proposal definitely sets priorities in the Comp & Parks Plan, and it is not the Commission's place to set the Council's priorities and establish policies.

Mayor Van Orman then asked for staff input on its decision to recommend approval of the amendments. Amanda Tainio, Planning & Building Services Manager, approached the Council and said an overemphasis on certain policies were never harmed and language is included in the Comp Plan concerning other set functions, and that any amendments included in the Parks portion of the Comp Plan are carried into the Parks Plan.

With no further public testimony, Mayor Van Orman closed the hearing at 8:20 p.m., and opened the floor for City Council deliberation.

DISCUSSION:

Council Member Crump asked for clarification of the word "policy", and Ms. Tainio said her interpretation is that it is priority of the City. Council Member Jenkins said the general objective of Amendment CA-08-0001 is misconstrued, indicating it is a great place to be in the Comprehensive Plan. He said, "It is not part of the Parks Plan, it's part of a strategy for the entire community. You need to prioritize or it will never get done."

Council Member Owens said placing this in the Comprehensive Plan doesn't preclude the City Council from further park and recreation discussions. She said, "If we put it in the parks plan and address it, but we also included it in the comp plan, where's the disconnect between us listening to citizens?", and then asked for clarification from Ms. Esch. Ms. Esch's response was that the citizens then lose their ability to give their input. She said even though the amendments have gone through a variety of revisions, there is still deep concern within the citizenry of Liberty Lake that there is a push for larger parks as opposed to walkable parks. She said, "When you put it in the Comp Plan, you start to lock doors and are starting to limit funding and, most importantly, citizen input." She emphasized, "You can still accomplish what you want to accomplish by denying this and voting no at the Comp Plan level and taking it up again at the park planning level and having citizen workshops."

Community Development Director, Doug Smith said it is staff's position that both amendments would be appropriate at the Comp Plan level simply because invitation would take place at a more defined level in the park plan. He said the Comp Plan is a broader, philosophical, vision document regarding level of service, which gives the

Council position to address the community needs, not narrowing it to any one specific facility, location, or a park.

Council Member Crump expressed his opposition to the language in CA-08-0001, stating it is too encumbering for the City and limits future partnerships and opportunities. He said the language in CA-08-0002 is also too narrow if the document is to be a vision statement because it defines specific locations. After further discussions regarding revised language and public process necessary to achieve language changes, Mayor Van Orman re-opened the floor for public comment at 8:50 p.m.

Larry Rider, 19324 E. Buckeye, Spokane Valley, stated his confusion as to how the City Council can be having the discussion of language revision and sending the amendments back through the process. He said, "It's now before the Council for a discussion of yes/no".

Mike Terrell, 1421 N. Meadowwood Lane, Liberty Lake, expressed concern regarding the affect any new language would have in relation to the context of the Comp Plan, and suggested if language is changed, it would be prudent that it go back before the Planning Commission.

Cindy Esch 1817 N. Aladdin Road, Liberty Lake, concurred with last two citizens comments.

Councilman Langford said he thinks it would be best if this was sent back to the Committee to formulate verbiage with open meetings for the public and then refer it back to the Planning Commission.

Mayor Van Orman closed public testimony at 8:53 p.m.

Mayor Van Orman agreed with Councilman Langford and recommended that this be taken back to the Committee, that language be formulated, and that the new language be brought before the Planning Commission. She then called for a motion.

Council Member Olander moved to approve proposed amendment CA-08-0001, seconded by Council Member Jenkins. Councilmember Olander stated he understands the phraseology "it is the policy of the City to build these recreation facilities" is confusing, but expressed concern that if it gets put off another year it will lose its effectiveness. He said, "It is an important policy statement that we get serious about acquiring the land for the big, big things."

Council Member Owens suggested rather than making a change in the Comprehensive Plan that the Council is not comfortable with and the City does not have funding for, she cannot vote in favor of the amendment as it currently exists. She agrees that this does need to be the next priority of the City.

After no further discussion, Mayor Van Orman called for the vote. Motion failed, 2-3; with Council Members Olander and Jenkins voting in favor of the motion, and Council Members Owens, Crump, and Langford voting against it.

Council Member Langford then made a motion that the amendment be returned to the Committee, appropriately handled there, and resubmitted through the channels, seconded by Council Member Owens. Motion passed unanimously.

Council Member Jenkins moved to accept Amendment CA-08-0002. No second was made to Councilman Jenkins' motion. Motion died on the floor.

Council Member Owens moved to reject the proposal for CA-08-0002, seconded by Council Member Crump. Discussion took place regarding the argument that the language is too specific versus it being a good high-level policy statement. Mayor Van Orman then called for the vote. Motion passed 3-2; with Council Members Crump, Olander and Langford voting for the motion and Council Members Owens and Jenkins voting against the motion.

Prior to the public hearing for the City of Liberty Lake City Development Code Amendments, Amanda Tainio, Planning & Building Services Manager, provided a few highlights of the Planning Commission's recommendations. She said the majority of the amendments were housekeeping or clarification issues, concerning building height standards and concealment of roof equipment, multifamily dwelling to address free-standing multi-family concern and utilization of mixed-use zone, and processing time for final BSP review. She said the proposal submitted by Greenstone for review time was 45 days of submittal; however, City staff recommends 90 days as a more realistic processing time.

Mayor Van Orman then opened the floor for public testimony at 9:13 p.m.

Mike Terrell, Greenstone Corporation, 1421 N. Meadowwood Lane, Liberty Lake, said he appreciated the positive process in working with City staff and the Planning Commission. He expressed concerns about the extension of rooftop equipment and the potential to exclude solar panels from rooftops. He said, "It's far more important to spend your time emphasizing parts of the Development Code that talked about pedestrian-friendly environments". He said the one point of contention with the BSP review of 45 vs. 90 days is that it delays development of commercial property.

Frank Ide, Taylor Engineering, 106 W. Mission Avenue, Spokane, WA, representing the owners of Liberty Lake Corporate Park, provided a letter just prior to the City Council meeting, which was dated January 20, 2009 and outlined opposition to proposed code amendments ZTA-08-008 and ZTA-09-008. He said he agrees with Mr. Terrell that a 45-day review time is more than adequate. He stated his opposition to the above-noted amendments and recommended the City Council deny them, but stated a compromise could be made for an exception to exclusion for slopes in excess of 10%.

With no further public testimony, Mayor Van Orman closed the public hearing at 9:23 p.m. and called for a brief recess to read Mr. Ide's letter before going into Council deliberations. The meeting reconvened at 9:39 p.m.

Council Member Jenkins made a motion to accept the Planning Commission's recommendations on all amendments with exception of ZTA-08 -004,-007,-012,-0016,

-0017,-0019,-0020,-0021, and to accept ZTA-08-0008 and ZTA-08-0009, and to remove ZTA-08-0037, seconded by Councilman Langford. Motion passed unanimously.

Council Member Olander then conducted a presentation on the amendment for rooftop equipment. Topics for his presentation included development code rules for rooftop screening, blocking ugly equipment on rooftops, and the rule choices. Councilman Olander suggested Rules C or D seem best for our City, rather than Rule B.

Mr. Terrell then addressed the Council saying it really becomes a matter of what is reasonable. He said he also is concerned about the aesthetics of this community, but feels Rule B is a good alternative since Rules C and D will be commercially more expensive.

Council Member Olander then moved to adopt the amendments with the modification that distance be changed from the middle of the street to the far side of the sidewalk, changing the word "centerline" to "far side of side walk". No second was made to Councilman Olander's motion. Motion died on the floor.

Council Member Langford moved to accept the Planning Commission recommendations with incorporated modifications, seconded by Council Member Crump. A brief discussion took place regarding current permitting requirements, this amendment, the difference in building heights, and designing to site conditions. Mayor Van Orman clarified that the motion is in regard to ZTA-08 -0004,-0007,0012, and ZTA-08-0016 through ZTA-08-0021 and called for the vote. Motion passed 3-2; with Councilmembers Langford, Crump and Owens voting in favor of the motion and Councilmembers Jenkins and Olander voting against it.

At 9:59 p.m., Council Member Jenkins moved to extend the meeting for 30 additional minutes. Councilmember Olander stated that he needed to leave. Motion was seconded by Council Member Langford. Motion passed unanimously. Council Member Olander then left the meeting at 10:00 p.m.

Council Member Jenkins moved to accept the Planning Commission recommendations on multifamily housing, which includes ZTA-08-0008 and ZTA-08-0009, seconded by Council Member Crump.

Planning Commission Chairman, Dennis Paul, then approached the Council. He said "Mixed use development has been a very difficult planning issue because mixed use is encouraged, but it is difficult to get the right developers in to do this." He indicated the current code is very open and this amendment is a reasonable approach for encouraging that growth.

Mayor Van Orman then called for the vote. Motion passed unanimously.

Council Member Jenkins then moved to accept Planning Commission recommendations for ZTA-08-0037, as written, for final BSP review to be completed within 45 days of submittal, seconded by Council Member Crump.

After a brief discussion regarding the time to process materials and certain things being out of staff's control in order to meet the complete review 45-day timeframe, Council Member Owens proposed an amendment to the original motion to change the timeline from 45 days to 60 days, seconded by Council Member Crump. Motion resulted in a tie vote with Council Members Owens and Crump voting in favor, and Council Members Jenkins and Langford voting against it. Mayor Van Orman then exercised her right break the tie vote and voted in favor of the 60-day review timeframe.

Mayor Van Orman then called for the vote on acceptance of the original amendment as amended. Motion passed unanimously.

ORDINANCE – FIRST READ

Ann Swenson, Executive Assistant, read Ordinance No.171-A into the record, amending Ordinance No. 171 passed by the City Council on December 16, 2008, entitled "An Ordinance of the City of Liberty Lake, Washington, Adopting a Budget for the Period January 1, 2009 through December 31, 2009, Appropriating Funds and Establishing Salary Schedules for Established Positions".

Ms. Swenson then read Ordinance No. 174 into the record, repealing Ordinance No. 111 and Ordinance No. 28 of the Liberty Lake Municipal Code, entitled "Animal Control Regulations and Adopting by Reference Chapters 5.04 and 5.12 of the Spokane County Code as the Animal Control Regulations for the City of Liberty Lake."

ORDINANCE – SECOND READ

Mayor Van Orman then read Ordinance No. 173 into the record, amending the City Comprehensive Plan and City Development Code for 2008.

Council Member Jenkins moved to accept Ordinance No. 173, seconded by Council Member Crump.

Amanda Tainio, Building Services Manager, briefly said Ordinance 173, Exhibit A will be noted that City Council has accepted the Planning Commission Recommendation on all Amendments with the exception of ZTA-08-0037, concerning the timeline for final BSP review. No public comments were received and Mayor Van Orman called for the vote. Motion passed unanimously.

WORKSHOP DISCUSSION

Community Survey / Town Hall Meeting / Retreat

Community Development Director, Doug Smith, provided an update. He said staff is formulating a survey for community outreach to forecast 2010 priorities. Results from the survey will be brought back for a retreat process with the City Council.

UNFINISHED / NEW BUSINESS

None.

CITIZEN COMMENTS

Dennis Paul, 626 N. Idaho Road, Liberty Lake, apologized for his statements on the Planning Commission and his lack of preparedness. He said he was absent during the Public Hearing in which the Comprehensive Plan amendments were voted on. In regard to the first amendment of the Comprehensive Plan, he suggested the Council reword the new Comprehensive Plan amendment appropriately. In regard to the second amendment, he clarified that it was a citizen amendment that could not be changed and the reason it was rejected by the Planning Commission was because it was a bit too specific and could not be modified. He said the idea and goal are very good and should be kept in mind in the future.


EXECUTIVE SESSION:

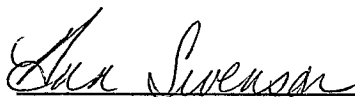
Council Member Jenkins said that after a brief conversation with staff during the break, he did not feel his concerns met the litmus test for Executive Session, and revoked his request to hold the Executive Session.

ADJOURNMENT:

The meeting adjourned at 10:19 p.m.

These minutes are approved on February 3, 2009


Wendy Van Orman, Mayor
City of Liberty Lake



Notes and Transcription by Ann Swenson, Executive Assistant. This Council meeting was also audio taped. Anyone desiring to listen to the recording may contact the City Clerk